

# AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, April 9, 2007, 7:00 p.m.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES** - February 12, 22 and 26, 2007.

**PUBLIC HEARINGS** - 7:00 p.m. - 2008 Street Improvement Program 07-0262R).

7:00 p.m. - Property Tax Abatement for West Production and Site 102/R&D facilities.

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*The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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## REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

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## REPORTS FROM OTHER OFFICERS

- \* 07-0409-01 Assessor assessment rolls levied to defray the assessable portions of the following contracts: (a) #5431, razing - 1601 West Superior Street (assessable amount - \$16,062.25); (b) #5432, razing - 2 - 4 Piedmont Avenue (assessable amount - \$16,062.25). -- Received
- \* 07-0409-02 Clerk applications to the Minnesota gambling control board for exemption from lawful gambling licenses (raffles) from: (a) MN AIDS TREK on September 9, 2007; (b) St. Luke's Foundation on July 7, 2007. -- Received
- \* 07-0409-03 Parks and recreation department director Lake Superior Zoological Society minutes of February 28, 2007, meeting. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

- \* 07-0409-04 Duluth airport authority minutes of February 26, 2007, meeting. -- Received
- \* 07-0409-05 Duluth housing commission minutes of April 13, 2006, meeting. -- Received
- \* 07-0409-06 Duluth/North Shore Sanitary District minutes of February 14, 2007, meeting. -- Received
- \* 07-0409-07 Duluth transit authority minutes of January 31, 2007, meeting. -- Received
- \* 07-0409-08 Library board minutes of February 27, 2007, meeting. -- Received

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\* Listed only, not copied.

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## REPORTS OF COUNCIL COMMITTEES

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**REPORTS OF COUNCIL OPEN ISSUES**

- Planned unit development
- Zoning Code changes

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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**RESOLUTION TABLED**

**COMMITTEE 2**

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0213R - RESOLUTION DECLARING POLICY AND PLAN FOR RETIREE HEALTH CARE PROGRAM REFORM. (TABLED 3/12) (REPLACEMENT)

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**MOTIONS AND RESOLUTIONS**

**CONSENT AGENDA**

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

07-0233R - RESOLUTION REALLOCATING \$120,000 OF THE TOURISM TAX FUND BALANCE AND \$100,000 OF THE GENERAL FUND CAPITAL IMPROVEMENT BUDGET.

07-0259R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF RAZING AT 2-4 PIEDMONT AVENUE.

07-0260R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE RAZING OF 1601 WEST SUPERIOR STREET.

07-0278R - RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY AND DULUTH CHILDREN'S MUSEUM IN AMOUNT OF \$25,000.

07-0279R - RESOLUTION ALLOCATING \$100,000 FROM THE TOURISM TAX FUND BALANCE TO THE GREAT LAKES AQUARIUM, ELIMINATING PAST AND FUTURE INTEREST CHARGES ON UTILITY PAYMENTS AND ON A LOAN.

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-0269R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-0270R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE FROM LEGACY RESTAURANTS, INC. (21 NORTH), 402 WEST FIRST STREET, TO LEGACY RESTAURANTS, INC. (DULUTH ATHLETIC CLUB), 21 NORTH FOURTH AVENUE WEST.

07-0271R - RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE TO THE DULUTH GRAND, LLC (SHERATON DULUTH HOTEL), 301-311 EAST SUPERIOR STREET.

07-0272R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, DANCING LICENSE AND 2:00 A.M. BEVERAGE LICENSE FROM MINNESOTA NIGHTS, INC. (THE TAP ROOM), 600 EAST SUPERIOR STREET, TO MINNESOTA NIGHTS, INC. (THE TAP ROOM), 402 WEST FIRST STREET.

07-0273R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARSHALL SCHOOL.

**BY COUNCILOR GILBERT (PERSONNEL)**

07-0257R - RESOLUTION CONFIRMING THE APPOINTMENTS OF JEFF ANDERSON, KAY ROSS AND BRIAN GRAFF TO THE DULUTH LEGACY ENDOWMENT FUND PROJECT GROUP, REPLACING KEN HOGG, ALTHEA McBURROWS AND PETER SNEVE.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-0266R - RESOLUTION AUTHORIZING INCREASE OF \$3,070 IN THE 2007 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

07-0267R - RESOLUTION AUTHORIZING A DECREASE OF \$4,572 IN THE 2007 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

07-0268R - RESOLUTION AUTHORIZING AN INCREASE OF \$1,013 IN THE 2007 HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP).

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0246R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH DULUTH SUPERIOR ERECTION, INC., FOR 2007 CITYWIDE PATCH AND SIDEWALK IN THE AMOUNT OF \$390,000.

07-0247R - RESOLUTION APPROVING THE FINAL LAYOUT AND THE CONSTRUCTION OF A PORTION OF COUNTY STATE-AID HIGHWAY NO. 1 (CIRRUS DRIVE) WITHIN THE CORPORATE LIMITS OF THE CITY OF DULUTH.

07-0250R - RESOLUTION ADOPTING AMENDED GUIDELINES FOR THE I&I PROGRAM.

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

07-0251R - RESOLUTION AUTHORIZING A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE NATIONAL GUARD BUREAU IN THE AMOUNT OF \$154,030 RELATED TO THE RECONDITIONING OF PART OF AIRPORT ROAD.

07-0253R - RESOLUTION AMENDING RESOLUTION 05-0817 AND AUTHORIZING CITY OFFICIALS TO INCREASE CONTRACT NO. 20113 WITH APEX MECHANICAL PLUMBING, HEATING AND UTILITIES, BY \$26,295.94, FOR A NEW TOTAL OF \$61,252.94.

07-0255R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA) FOR THE GAS CIRCUIT RIDER PROGRAM AT AN AMOUNT OF \$10,600.

07-0256R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH ELK RIVER FORD SALES FOR TWO 2007 DODGE DURANGO VEHICLES IN THE AMOUNT OF \$43,172.

**NEW** 07-0263R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH STOUT MECHANICAL, INC., FOR EMERGENCY STEAM LINE REPAIRS AS NEEDED DURING 2007, AT AN ESTIMATED TOTAL AMOUNT NOT TO EXCEED \$80,000.

07-0264R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH MONROE TRUCK EQUIPMENT FOR MATERIALS AND LABOR TO OUTFIT TWO STERLING CAB AND CHASSIS FOR A TOTAL AMOUNT OF \$62,382.38.

07-0265R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONTRACT WITH GOODIN COMPANY FOR FIRE HYDRANTS AS NEEDED DURING YEAR 2007 FOR A TOTAL AMOUNT OF \$27,158.57.

07-0280R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH UNIQUE PAVING MATERIALS CORPORATION FOR APPROXIMATELY 300 TONS OF COLD MIX AT AN ESTIMATED COST OF \$25,560.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

07-0252R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT NO. 19878 WITH MN DPS HOMELAND SECURITIES DIVISION EXTENDING THE TERM.

07-0258R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH INNOVATIVE HOME THEATER CONCEPTS FOR THE PURCHASE OF MULTI-MEDIA CONTROL EQUIPMENT FOR CITY CENTER WEST POLICE STATION EMERGENCY OPERATIONS CENTER FOR AN ESTIMATED AMOUNT OF \$32,989.73.

07-0274R - RESOLUTION TO ESTABLISH A ONE STALL ACCESSIBLE PARKING ZONE AT 2701 WEST FIRST STREET.

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

07-0172R - RESOLUTION AUTHORIZING EXECUTION OF COMMON INTEREST COMMUNITY DECLARATION RELATED TO MOUNTAIN VILLAS CONDOMINIUMS.

**COMMITTEE 3**

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

07-0249R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST. LOUIS COUNTY BOARD FOR THE FURNISHING OF HOME-DELIVERED MEALS FOR THE PERIOD FROM JANUARY 1, 2007, TO DECEMBER 31, 2007, AT THE REIMBURSEMENT RATE OF \$2.15 PER ELIGIBLE NON-WAIVER MEAL AND \$6.08 PER ELIGIBLE WAIVER MEAL.

07-0254R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A CONTRACT WITH POLARIS LIBRARY SYSTEMS FOR COMPUTER SOFTWARE AND HARDWARE MAINTENANCE ON THE LIBRARY'S POLARIS INTEGRATED LIBRARY SYSTEM IN THE AMOUNT OF \$26,846.93.

**END OF CONSENT AGENDA**

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The following entitled resolutions are also for consideration at this meeting:

**COMMITTEE 1**

**BY COUNCILOR STEWART (FINANCE)**

07-0281R - RESOLUTION APPROVING LAWS OF MINNESOTA 2007, CHAPTER 14, AS REQUIRED BY MSA SECTION 645.021, SUBD.3.

**NEW** 07-0283R - RESOLUTION TRANSFERRING FUNDS FOR USE IN RETIREE HEALTH CARE.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-0275R - RESOLUTION ADOPTING TAF POLICY GUIDELINES.

07-0277R - RESOLUTION APPROVING PROPERTY TAX ABATEMENT FINANCING (TAF) FOR CERTAIN PROPERTY IN THE CITY AND APPROVING A TAF AGREEMENT WITH DEDA.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-0261R - RESOLUTION EXPRESSING THE COUNCIL'S SUPPORT OF THE APPLICATION FOR A U.S. DEPARTMENT OF LABOR WIRED GRANT FOR DULUTH AND NORTHEAST MINNESOTA.

**COMMITTEE 3**

**BY COUNCILOR JOHNSON (PUBLIC WORKS & UTILITIES)**

**NEW** 07-0244R - RESOLUTION ASSURING PUBLIC ACCESS TO AND USE OF LAKE SUPERIOR SHORELINE FROM 23RD AVENUE EAST TO NEAR 25TH AVENUE EAST. **(REPLACEMENT)**

07-0262R - RESOLUTION ORDERING THE IMPROVEMENT KNOWN AS THE 2008 STREET IMPROVEMENT PROGRAM PURSUANT TO SECTION 61(b) OF THE HOME RULE CHARTER OF THE CITY OF DULUTH AT AN ESTIMATED COST OF \$2,775,300.

**BY COUNCILORS JOHNSON AND GILBERT**

07-0276R - RESOLUTION HONORING CITY OF DULUTH LIBRARY EMPLOYEES.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCE TABLED**

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

06-058-O - AN ORDINANCE AMENDING SECTIONS 44-1, 44-2, 44-5, 44-11, 44-14, 44-33 AND 44-34 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING LIGHTED SIGNS.

(TABLED 12/4 AND REFERRED TO PLANNING COMMISSION)

The following entitled ordinances are to be read for the first time:

**COMMITTEE 1**

**BY COUNCILOR KRAUSE (PURCHASING & LICENSING)**

07-020-O - AN ORDINANCE AMENDING SECTION 8-68 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO AREA RESTRICTIONS ON LIQUOR SALES.

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-013-O - AN ORDINANCE DESIGNATING THE ALFRED AND JANE MCCORDIC RESIDENCE (IMMIGRANT HOUSE BED AND BREAKFAST), AT 2104 EAST SUPERIOR STREET, AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)**

07-021-O - AN ORDINANCE AMENDING SECTIONS 6-11, 6-12 AND 6-13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO USE OF FEES FOR ANIMAL REGISTRATION AND LICENSING.

The following entitled ordinance is to be read for the second time:

**COMMITTEE 2**

**BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)**

07-019-O - AN ORDINANCE GRANTING TO A&L PROPERTIES A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A RETAINING WALL, PARKING SPACES AND STAIRWAY, FOR PRIVATE USE, IN THE RIGHT-OF-WAY OF 22ND AVENUE EAST. (AMENDED 3/26)

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**COUNCILOR QUESTIONS AND COMMENTS**

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